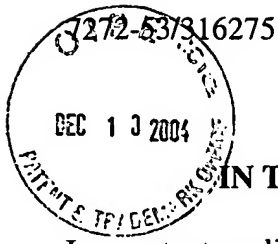


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	
	)	
Han H. Nee	)	Before the Examiner:
	)	Elizabeth Evans Mulvaney
	)	
Application No.: 10/822,619	)	
	)	
Filed: April 12, 2004	)	Group Art Unit:
	)	1774
	)	
METAL ALLOYS FOR THE REFLECTIVE	)	
OR THE SEMI-REFLECTIVE LAYER OF	)	
AN OPTICAL STORAGE MEDIUM	)	

RESPONSE TO FIRST OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

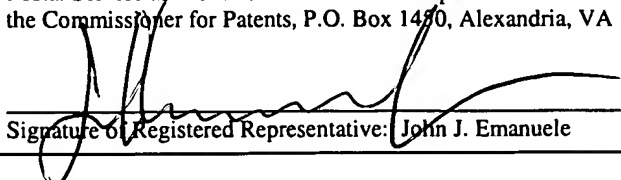
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DEC 23 2004  
OIPE/JCWS

Sir:

This paper is being submitted in response to a non-final Office Action mailed on September 22, 2004 and given a three-month shortened statutory period for reply. As this response is being submitted within the given three-month period, no fee is believed to be due. Also included is authorization to charge a credit card account for one terminal disclaimer to cure an obviousness-type double patenting rejection and a second terminal disclaimer to cure a provisional-type double patenting rejection. However, if additional fees are required, the Commissioner is authorized to charge any such fee to Deposit Account No. 23-3030, but not to include payment of any issue fees.

Response to Office Action  
Inventor: Han H. Nee  
Application No.: 10/822,619  
Filed: April 12, 2004  
Page 1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope on December 6, 2004, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Signature of Registered Representative: John J. Emanuele

## **RESPONSE TO OFFICE ACTION**

In an Office Action mailed on September 22, 2004, the Office:

1. Acknowledged that claims 1-120 are pending in the Application;
2. Allowed claims 12-21, 72-81 and 92-100; and
3. Rejected claims 1-11, 22, 71, 82-91, 101-120.

### **Rejection of claims 1-11, 22, 71, 82-91, 101-120.**

Claims 1-11, 22, 71, 82-91, 101-120 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 20 and 24 of co-pending U.S. Patent Application No.: 10/457,935 filed on June 10, 2003.

The Examiner also indicated that the provisional rejection of claims 1-11, 22, 71, 82-91, and 101-120 could be overcome by the timely filing of a Terminal Disclaimer in compliance with 37 CFR 1.321(c). Accordingly, the Applicant has enclosed a Terminal Disclaimer in compliance with 37 CFR 1.321(c) and respectfully requests that this Terminal Disclaimer be entered into the record and that all pending claims be placed in condition for allowance.

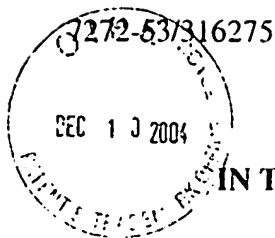
### **Rejection of claims 1-5 and 9-11.**

Claims 1-5 and 9-11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,790,503 and claim 10 of U.S. Patent No. 6,764,735.

The Examiner also indicated that this rejection of claims 1-5 and 9-11 could be overcome

by the timely filing of a Terminal Disclaimer in compliance with 37 CFR 1.321(c) and a showing that the 6,790,503 Patent is commonly owned with the instant Application in accordance with 37 CFR 1.130(b). The Applicant has enclosed a Terminal Disclaimer in compliance with 37 CFR 1.321(c) including a showing that the 6,790,503 and 6,764,735 Patents and the present Application are commonly owned. Accordingly, the Applicant respectfully requests that this Terminal Disclaimer be entered into the record and that all pending claims be placed in condition for allowance.

1-12



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Han H. Nee

Application No.: 10/822,619

Filed: April 12, 2004

METAL ALLOYS FOR THE REFLECTIVE  
OR THE SEMI-REFLECTIVE LAYER OF  
AN OPTICAL STORAGE MEDIUM

Before the Examiner:  
Elizabeth Evans Mulvaney

Group Art Unit:  
1774

**RESPONSE TO FIRST OFFICE ACTION**

Commissioner for Patents

P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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Response to Office Action  
Inventor: Han H. Nee  
Application No.: 10/822,619  
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Page 1

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Signature of Registered Representative: John J. Emanuele

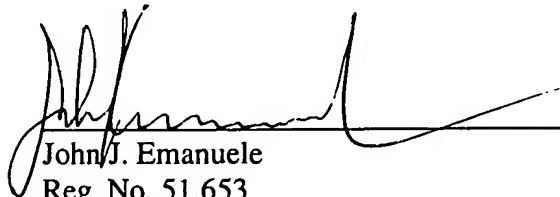
## CONCLUSION

In compliance with the Examiner's suggestion, the Applicant has supplied a duly signed and executed Terminal Disclaimer(s) (two enclosed). Accordingly, the Applicant respectfully requests that all pending claims of the Application be placed in allowance.

After a careful review of the specification and figures as filed and the amended text (listed above) above and corrected Figures 2, 5, 6 and 10, the Applicant does not believe that the proposed amendment and corrections introduces any new matter into the application. Accordingly, the Applicant respectfully requests that the above-mentioned amendments to the specification and amended drawings be entered into the application.

If the Examiner wishes to address any of the issues raised in this response, the outstanding Office Action mailed on September 22, 2004, or any other issue related to the instant Application, the Examiner is encouraged to contact the undersigned telephonically at the Examiner's earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John J. Emanuele', is written over a horizontal line.

John J. Emanuele  
Reg. No. 51,653

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